

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NOEL BROWN,
Plaintiff,

v.

S.C.I. SOMERSET, *et al.*,
Defendants

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Case No. 3:22-cv-20-SLH-KAP

Memorandum Order

Plaintiff Brown's motion for default judgment, ECF no. 11, is denied.

Brown is an inmate who filed a complaint against a governmental entity and one or more of its employees. The Prison Litigation Reform Act at 28 U.S.C. § 1915A(b) commands courts receiving such complaints to screen them as soon as practicable (even before docketing if feasible) to "identify" any cognizable claims, and to dismiss the balance of the complaint to the extent that it contains frivolous or malicious claims, fails to state a claim on which relief may be granted, or attempts to obtain money damages against a defendant who is immune from such relief. A clear implication of that statutory command is that a defendant is permitted but not required to file an answer or a motion to dismiss until the court has performed its screening function and "identified" what the litigation is about. The PLRA does not permit inmates to obtain default judgments on a claim that a defendant has failed to respond to service (or waiver of service) of a complaint because service in itself does not trigger any duty to respond.

I recommended dismissal of the complaint for failure to state a claim with leave to amend as to one claim, and plaintiff filed timely objections but chose not to amend the complaint. The adequacy of the complaint as submitted at ECF no. 5 will be decided by the Court in light of my Report and Recommendation and plaintiff's objections thereto. Only if the complaint is not dismissed will any defendants who remain in the case have any duty to respond to any claim the Court identifies as adequately pleaded.



DATE: June 3, 2022

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

Noel Brown MW-0387
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510